

**Notice of Allowability**

Application No.

10/643,539

Examiner

Elizabeth A. Bolden

Applicant(s)

WOLFF ET AL.

Art Unit

1755

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 27 January 2006.
2. ☒ The allowed claim(s) is/are 15-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 3/13/2006.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

On page 8, line 8 of the specification the word "fdor" has been deleted and replaced with -- for --.

#### ***Allowable Subject Matter***

Claims 15-28 are allowed.

#### ***Reason for Allowance***

The following is an examiner's statement of reasons for allowance:

The prior art fail to disclose or suggest the lead,  $\text{Li}_2\text{O}$ ,  $\text{CuO}$  – free zinc phosphate optical glass having a refractive index between 1.55 and 1.60, an Abbe number between 54 and 63, and a glass transformation of less than or equal  $500^\circ\text{C}$  wherein the glass comprises  $\text{P}_2\text{O}_5$ ,  $\text{ZnO}$ ,  $\text{Al}_2\text{O}_3$ ,  $\text{Na}_2\text{O}$ ,  $\text{K}_2\text{O}$ ,  $\text{BaO}$ ,  $\text{B}_2\text{O}_3$ ,  $\text{La}_2\text{O}_3$  as recited in the instant claims.

The closest prior art is deemed to be U.S. Patent 5,668,066 by Oguma et al. Oguma et al. discloses a similar composition but the composition comprises  $\text{Li}_2\text{O}$ . Applicants disclose that the addition of certain compounds such as  $\text{Li}_2\text{O}$ , colorants and optical active compounds are not present in the optical glass of the instant application. See Applicants arguments filed 27 January 2006 and Applicants' specification page 6, lines 18-22, page 7, lines 1-4, and page 16, lines 6-7.

Another close prior art is deemed to be Japanese Patent Publication 61-40839 by Akihiko et al. Akihiko et al. does not teach a range of components with sufficient specificity such that the glass composition of Akihiko et al. would be anticipated or be obvious to one of ordinary skill in the art. The composition ranges of Akihiko et al. are extremely broad and allow for several components, which are prohibited from the instant invention. All the examples of

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Akihiko et al. teach away from the instant invention. Furthermore, Akihiko et al. does not disclose a glass transformation ( $T_g$ ) for the glasses. Applicants show in the specification that while a glass may have an overlapping composition there is not sufficient predictability in the glass composition art that a glass having broadly overlapping ranges would have the recited properties such as the  $T_g$ . See the specification, Table III, comparative example 1 and specification page 7, lines 14-19.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

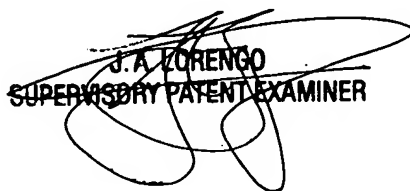
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth A. Bolden whose telephone number is 571-272-1363. The examiner can normally be reached on 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAB

13 March 2006

  
J.A. LORENZO  
SUPERVISORY PATENT EXAMINER